

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

January 4, 2010

MISC. ORDER 2010-001

BY THE COURT:

Associate Justice Vance W. Raye is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the Presiding Justice's absence from the court. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

January 5, 2010

- C059080 YICK v. LARSON (Not For Publication)**
The judgment is affirmed. Defendant is awarded her costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (1) .)
HULL, J.
We Concur: Scotland, P.J.
Sims, J.
- C060411 In re F.M.; THE PEOPLE v. F.M. (Not For Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
Nicholson, J.
- C061553 In re J.N. et al; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. C.N. (Not For Publication)**
The juvenile courts orders are affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Robie, J.
- C063395 T.P. v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY et al. (Not For Publication)**
The petition for extraordinary writ is granted. ...
The section 366.26 hearing scheduled for February 24, 2010, is stayed pending finality of this opinion.
SCOTLAND, P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

January 5, 2010, Continued

- C057581 THE PEOPLE v. CHARLES KEVIN CUNNINGHAM**
BY THE COURT:
Appellant's petition for rehearing is denied.
NICHOLSON, Acting P.J.
- C059421 WILD GOOSE STORAGE, INC. v. ROSEVILLE LAND DEVELOPMENT ASSOCIATION**
BY THE COURT:
Appellant's petition for rehearing is denied.
NICHOLSON, Acting P.J.

January 6, 2010

- C057858 THE PEOPLE v. KEVIN ROSS BEAM** **(Not For Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C059110 THE PEOPLE v. YEE XIONG** **(Not For Publication)**
The trial court is ordered to strike the \$5,000 parole revocation restitution fine imposed under Penal Code section 1202.45, correct the abstract of judgment and forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.
SIMS, Acting P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C060367 THE PEOPLE v. DAVID STANLEY ALLRED** **(Not For Publication)**
The appeal is dismissed.
SIMS, Acting P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C060607 THE PEOPLE v. DANA RAY JOHNSON** **(Not For Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

January 6, 2010, Continued

- C058450 ASKEW v. CALIFORNIA LIVE FLOORS, (Not For Publication)**
Inc., et al.
The February 20, 2008, order granting enforcement of the settlement agreement is affirmed. CLF's, cross-appeal from the February 20, 2008, order to show cause is dismissed. Each party shall bear its own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5) .)
SIMS, Acting P.J.
We Concur: Raye, J.
Robie, J.
- C058193 In re J.M. et al.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. D.M.; J.M. et al.
The orders and judgment are affirmed.
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C060349 In re J.C.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. J.C., SR.
The judgment (visitation order) is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Robie, J.

January 7, 2010

- C055253 THE PEOPLE v. (Not For Publication)**
JIMMY LEE BENSON
The trial court is directed to amend the abstract of judgment to impose the one-third term of three years four months on counts 3 and 4, and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.
RAYE, J.
We Concur: Nicholson, Acting P.J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

January 7, 2010, Continued

C059411 THE PEOPLE v. (Not For Publication)
SEVASON CHAOVADY LEE

The judgment is affirmed.
BLEASE, Acting P.J.

We Concur: Raye, J.
 Butz, J.

C059914 THE PEOPLE v. (Not For Publication)
ELMORE WASHINGTON

The court is directed to correct the abstract of judgment and the sentencing minute order to reflect 633 actual days plus 316 days of conduct credit, for a total of 949 days of presentence credit, and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.

C059955 THE PEOPLE v. (Not For Publication)
JOHN THOMAS JACKSON

The judgment is modified to reduce the fines imposed pursuant to Penal Code sections 1202.4 and 1202.45 to \$200 each. As modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment and forward a certified copy of the same to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We Concur: RAYE, Acting P.J.
 Butz, J.

C061581 THE PEOPLE v. (Not For Publication)
JEFFREY LYNN MOORE

The judgment is affirmed.

HULL, J.

We Concur: Scotland, P.J.
 Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

January 7, 2010, Continued

C055037 JRS PRODUCTS, INC. v. PANASONIC (Not For Publication)
COMMUNICATION COMPANY OF
NORTH AMERICA

The judgment is affirmed. Panasonic shall recover costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (1) .)

RAYE, J.

We Concur: Blease, Acting P.J.

Sims, J.

C057850 RIVER ROCK DEVELOPMENT et al. v. (Not For Publication)
PAIK et al.

The amended judgment is affirmed. Respondents shall recover their attorney fees and costs for this appeal, in an amount to be determined by the trial court. (Cal. Rules of Court, rule 8.278 (a) (1) .)

SIMS, J.

We Concur: Scotland, P.J.

Butz, J.

C058673 MONTE CRISTO INVESTMENTS, LLC (Not For Publication)
HTDROSLOTTER CORPORATION et al.

The judgment is vacated and the trial court is directed to enter a new judgment that omits the last paragraph of the vacated judgment, *except* for inclusion of the first sentence of that paragraph, which reads: "IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Pacific Petro is enjoined from acting as operator of the wells identified herein as Grizzlies 1, Ophelia 1 and Ophelia 2 [Well A]."

HC's purported appeal from April 15, 2008 order denying reconsideration is dismissed. (See fn. 5, *ante*.)

HC shall bear its own costs on appeal. MCI shall recover its costs on appeal from defendants Taylor, Pacific Petro and Bonhomme.

(Cal. Rules of Court, rule 8.278 (a) (3) .)

BUTZ, J.

We Concur: Nicholson, Acting P.J.

Hull, J.

C058728 MUHAREB v. TURNER, as Trustee, etc. (Not For Publication)

The judgment is modified by deducting \$3,215.45 from the award in Turner's favor. As modified, the judgment is affirmed. Turner is awarded her costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (3) .)

NICHOLSON, J.

We Concur: Scotland, P.J.

Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

January 7, 2010, Continued

C057004 THE PEOPLE v. (Not For Publication)
RAINER CHRISTOPHER WILSON

THE COURT:

It is ordered that the opinion filed herein on December 22, 2009, be modified...

There is no change in the judgment.

BY THE COURT:

RAYE, Acting P.J.

Butz, J.

January 8, 2010

C058084 THE PEOPLE v. (Not For Publication)
KEVIN LEWIS et al.

The judgments are affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Blease, J.

C059281 THE PEOPLE v. GERALD HOWARD (Not For Publication)
C059405 THE PEOPLE v. CARMEL MURPHY

The judgment as to Murphy is affirmed.

The judgment as to Howard is modified to strike the \$10,000 parole revocation fine imposed pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed.

In Howard's case, the trial court is directed to prepare an amended abstract of judgment reflecting the stricken parole revocation fine and send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

C059575 THE PEOPLE v. (Not For Publication)
DIRK JA ONG BOUIE, JR.

The judgment is affirmed.

NICHOLSON, J.

We Concur: Blease, Acting P.J.

Cantil-Sakaue, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

Court Minutes

January 8, 2010, Continued

C060393 THE PEOPLE v. (Not For Publication)
MANUEL RENE PEREZ, SR.

The one-year sentence imposed pursuant to Penal Code section 667.5 is vacated, and the judgment is otherwise affirmed. The trial court shall so amend the abstract of judgment and forward a copy of the amended judgment to the Department of Corrections and Rehabilitation.

SIMS, J.

We Concur: Blease, Acting P.J.

Butz, J.

C062424 In re Z.J.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. S.J.

The order terminating parental rights is vacated and the matter is remanded... If there is no response to the ICWA notice, or if the tribes or the Bureau of Indian Affairs determine the minor is not an Indian child, the court shall reinstate the order terminating parental rights.

BLEASE, Acting P.J.

We Concur: Sims, J.

Nicholson, J.